IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

THURSDAY, THE 5TH JULY 2007 / 14TH ASHADHA 1929

WP(C).No. 18845 of 2007(R)

PETITIONER:

PRINCIPAL GENERAL MANAGER,
BSNL, TELECOM DISTRICT,
TRIVANDRUM.

BY ADV. SRI.C.S.RAMANATHAN

RESPONDENTS:

---

1. CORPORATION OF TRIVANDRUM,
REPRESENTED BY SECRETARY, TVM.

2. GOVERNMENT OF KERALA,
REPRESENTED BY SECRETARY,
MINISTRY OF LOCAL ADMINISTRATION,
SECRETARIAT, TRIVANDRUM.

BY SR. GOVERNMENT PLEADER SRI.K.J.MOHAMMED ANZAR
ADV.SRI.N.NANDAKUMARAMENON, SC, R1

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 05/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.K.BASHEER, J.

W.P.(C)No.18845 OF 2007

Dated this the 5th day of July, 2007

JUDGMENT

The contentions raised by the petitioner indisputably fall in the realm of disputed questions of fact. Petitioner who is the Principal General Manager of BSNL, Telecom District, Trivandrum contends that the amount claimed by the Corporation of Trivandrum is totally unsustainable. Whatever amounts due have been paid by the petitioner to the Corporation. It is further contended that the trenchers in the roads mentioned by the Corporation were not dug by the petitioner. It is further contended that the calculation made by the Corporation while fixing the liability of the petitioner at Rs.1,09,01,924/- is totally erroneous and baseless. As mentioned by me earlier, these are all disputed questions of fact which this court need not consider under Article 226 of the Constitution of India.

2. Therefore, this writ petition is closed with liberty to the petitioner to approach respondent no.2 or any other

competent authority who may deal with such issue. In order to enable the petitioner to approach the competent authority, the operation and implementation of Ext.P13 shall be kept in abeyance for a period of two months from today.

Writ petition is closed.

A.K.BASHEER, JUDGE

jes